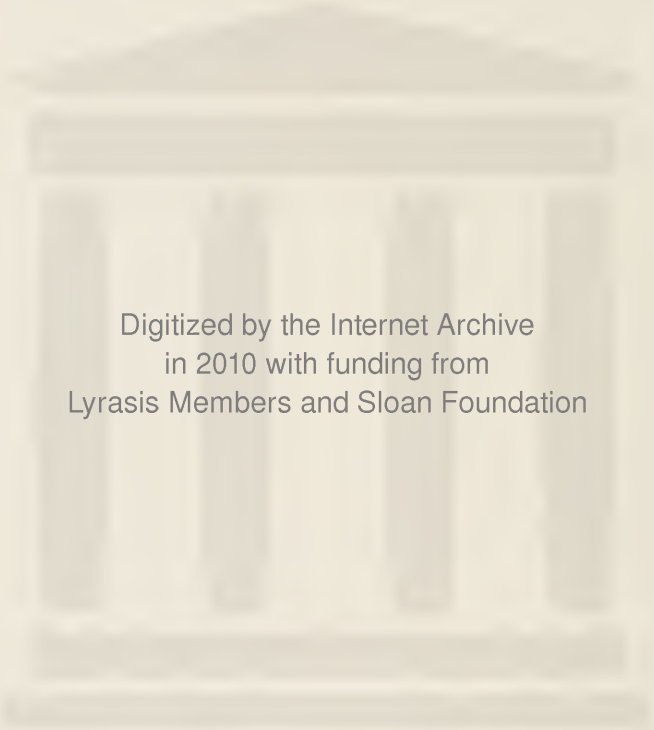

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[Document C.]

BY THE SENATE,

FEBRUARY 11, 1864.

Read and ordered to be printed.

MINORITY REPORT

OF THE

SENATE COMMITTEE

IN REGARD TO

Compensating Loyal Citizens of Maryland for Property taken or destroyed by the Armies of the United States or the so-called Confederate States.

JANUARY SESSION, 1864.

ANNAPOLIS:
BULL & TUTTLE.
1864.

REPORT.

The minority of the Committee on Finance, to whom was refe[illegible]red the bill, entitled, "An Act for the compensation of loyal citizens of Maryland, whose property has been taken, damaged, or destroyed by the armies of the United States, and of the so-called Confederate States;" beg leave respectfully to Report.

That they are constrained to differ entirely with the majority, as to the merits of the bill aforesaid; and are frank to declare that the principles involved in the bill, are part, and parcel of the common law, as well as of the fundamental laws of the land; and that all government, whether State or National, must rest upon this, as its chief corner stone; or become the mere sport, and caprice of a mob; a miserable cheat, a mockery, and a delusion.

The Constitution of the United States says, Article 5th of the amendments thereto: That no private property shall be taken for public use, without just compensation; and the Constitution of Maryland says, Article 3, section 46, That the Legislature shall enact no law authorizing private property, to be taken for public use, without just compensation, as agreed upon between the parties, or awarded by a jury, being first paid, or tendered to the party, entitled to such compensation.

The minority would also remind the Senate that we are, each of us, by a solemn oath registered in this chamber, and recorded in the Chancery on High, bound to support the Con-

stitution of the United States, and to be faithful and bear true allegiance to the State of Maryland, and support the Constitution and Laws thereof, and that we will to the best of our skill and judgment, diligently, and faithfully, without partiality, or prejudice, execute the office of Senator, according to the Constitution and Laws of this State.

We would respectfully submit, therefore, to the consideration of the Senate, whether we can reject the bill, entitled, "An Act for the compensation of loyal citizens of Maryland, whose property has been taken, damaged, or destroyed by the armies of the United States or of the so-called Confederate States," without the imputation, at least, if not the direct crime of perjury. Let us not be misunderstood.

We are fully aware of a clause in the Constitution of the State which prohibits the Legislature from making any appropriation for any work of Internal Improvement, or in aid of any individual association, or corporation, or in any enterprise which shall involve the faith, or credit of the State; *but the* same clause, expressly says, that the *Legislature may contract debts to any amount that may be necessary for the defence of the State.*

Now we respectfully submit whether here is not an express grant, to do even more than the bill itself contemplates, viz: *ot contract* debts to any amount, for the defence of the State; whilst we propose merely to ask a loan, which will be merely a temporary debt, until it is assumed by the General Government.

Is it true that money is the sinew of war? Is it true that security for the private property of the citizen, is necessary for the defence of the State? Can there be any defence of the State, where there is no security for private property, where all the rights of property are utterly ignored, stricken down, and trampled under foot whether in times of peace or war?

How are taxes to be raised for the defence of the State?—How are armies to be raised, clad, fed, or paid? How are navies to be built? How are arms to be purchased, or ordnance and military stores to be furnished? Why, the thing is impossible, where the rights of property, are not held sacred, and firmly secured?

For what purpose does the loyal citizen pay taxes? For what purpose do we make laws, erect governments, provide courts of justice, and trials by jury, if it be not to secure, and maintain the rights of property, from violation, either in time of war or peace?

Any other doctrine subverts all government, abolishes all law, overturns the whole fabric of social and civil society, and throws us back into anarchy and barbarism.

In short, it is downright practical nullification and moral treason !

To return to the bill before us. It is an act, entitled, "An Act, for the compensation of loyal citizens of Maryland, whose property has been taken, damaged, or destroyed by the armies of the United States and of the so-called Confederate States."

It proposes to appropriate out of the treasury of Maryland, a sum of money, not to exceed one million of dollars, to compensate the loyal citizens of the State, for losses of property, sustained by, and through, the armies engaged in a most terrific, and bloody civil war, of three years duration.

During this period all, or nearly all that part of the State, bordering on the Potomac, has at different times been invaded ; and in some counties, as in Frederick and Washington, especially the *latter,* the entire county has been overrun by both armies, and the property of citizens seized at the point of the bayonet, and either destroyed on the spot, or removed by the foe, beyond the reach, or control of the owner.

In some of the most fertile districts of Washington county, every trace of fencing, or of cultivated land, has been either effaced by the track of the invader, or consumed on the spot, whilst both armies lay encamped upon our soil, and for all practical agricultural purposes, these lands are almost as valueless to the State, and as useless to the owner, as the unbroken prairies of the West, or the unfenced desert which stretches its barren waste onward to the Pacific seas.

This is but a part, however, of the general wreck, which the ruins of war, have wrought in our midst.

Two hundred thousand armed men swept across our entire county, plundering the citizens in their course, of every description of property, including horses, cattle and sheep ; to say nothing of merchandise of every kind ; and in many instances, the occupants were dispossessed, or driven from their homes, and the furniture of private families, articles of clothing, and every culinary article of domestic use, including bacon, bread and flour, were seized without ceremony, and appropriated alternately to the use of either army.

And after the defeat of the rebel army at the battle of Gettysburg, both armies returned to camp upon our soil, in

the midst of harvest, in very inclement weather, and a line of nearly eleven miles of entrenchments was thrown up in the heart of the county, and filled with fences, trees from the forest, and new mown wheat, and in some cases of buildings torn down for the purpose.

Besides whole crops of standing wheat and corn were trodden under foot, large quantities of old corn, hay and oats were seized and paid for in Confederate trash, which is still a fair equivalent, compared to the meagre allowance, promised thus far, by the action of a majority of the Committee on Finance.

In short, sir, many of our most worthy and industrious citizens, as loyal as ever looked upon the old flag of our fathers; or ever marched to the inspiring tune of the Star Spangled Banner, throughout this terrible struggle of fire and of blood, are rendered almost as penniless, as when they first began the world, and vowed before God and man to cherish and support their wives and little ones; whom a kind Providence has committed to their care.

In view of this brief statement of facts, permit me to add that I am forced to the conclusion that we have not only the constitutional power to make the appropriation asked in the bill, but that it is the solemn duty of the State, to provide this loan at once, for the relief of her injured citizens, and that the Legislature cannot refuse this boon, without sacrificing the honor and plighted faith of the State, to say nothing of the solemn obligation taken by us all, to uphold and maintain the Constitution and Laws thereof.

Allow me further to add that we have already passed a Bounty Law appropriating four million dollars, not directly, but only indirectly for the defence of the State, and two years ago the Legislature appropriated fifty thousand dollars for the relief of families of volunteers, both of which acts were passed, and voted for, by some of the members of the committee, who now see constitutional objections to the bill before us.

And beside all this, the States of Ohio, Kentucky, Tennessee, Pennsylvania and Missouri are each of them making assessments of property destroyed by the armies, for the express purpose, of making appropriations, by their State Legislatures, to pay these claims.

Shall the Maryland Legislature fail to go and do likewise? And if so. Why? Let the Senate and House of Delegates of Maryland respond to the question.

These facts, I now beg leave respectfully to submit to the enlightened judgment of the Senate, with the earnest desire, that they will give to a grave and important public measure; that consideration which the interests of the loyal people of the State imperatively demands.

Nor can I close this report without reminding the Senate that it was for the preservation of the whole State we have suffered. It was to save your hearth-stones from sacrilege, your fields and firesides from the ruthless tread of the invader, it was for the common benefit, that we are to be made to bear the whole burden; and it was to save your proud capital from the torch of the incendiary; and your great and glorious Union from the unspeakable horrors of Dismemberment; that the heart of our native county has been perforated with bullets, her people prostrated in the dust, and her loyal bosom scarred and seared all over with the shot, and shell, of a pitiless, and powerful foe.

We entreat the Senate therefore to take a calm and dispassionate view of the whole subject; seriously to consider whether it is not the sworn duty of the Legislature of Maryland, to come to the rescue; and by a generous appropriation to our loyal, but injured and suffering people; to take them by the hand, and pour into their wounded, but honest hearts, the balm not only of your sympathy, but of speedy and effectual aid.

Respectfully submitted,

LEWIS P. FIREY.